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Examiner: Luke E. Karpinski
Art Unit: 4173REMARKS

In response to the Patent Office Letter of September 22, 2008, the Applicant respectfully requests re-examination and reconsideration. The Applicant files herewith an RCE so as to continue the prosecution of this application. Additional amendments have been made in the main claim, namely claim 9 and with these amendments it is believed that this application should now be in condition for allowance.

Before discussing the present rejection made by the Examiner and the merits of the present invention, the Applicant wishes to emphasize the fact that the concepts of the present invention and that disclosed in Dawson et al. have substantially different objectives. It is the Applicant's position that Dawson et al. addresses a totally different problem or issue in comparison to the issue of the present invention. Dawson et al. is concerned with a soap-free cleansing composition which has increased speed of foaming and which has good stability. In this regard refer in Dawson et al. to the objects listed in column 3 starting at line 20. It is also noted from Dawson et al. that there is no clear teaching as to how long the gel actually takes to form. As a matter of fact, the indication of the use of elevated pressures in Dawson et al. is an indication of too early a formation of the gel.

Now, in accordance with the present invention this relates to a method for enhancing the manufacturing process by deliberately controlling the formation of the gel so as to overcome the issue of the composition gelling in and clogging up pipes during the manufacturing process. Thus, in accordance with the present invention, the composition is deliberately maintained in a non-gelled state for at least four minutes after the addition of the post-foaming agent. This not only reduces the manufacturing cost of the end product, but it also increases the filling rates; meaning more units of composition of the present invention can be produced in the same time period relative to previously available compositions. Furthermore, this is performed without compromising the appearance of the gel on first dispensing from the packaging or from the quality of the lather produced by agitating the gel by the user.

It is the Applicant's position that a person skilled in the art would not be able to arrive at the method defined in claim 1 by consideration of Dawson et al. whether taken alone or in

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combination with Hall et al. There is absolutely no motivation to solve the same problem as that of the present invention. Neither Dawson et al. nor Hall et al. teach the deliberate creation of a composition which specifically is not converted to a gelled state for at least four minutes after addition of the post-foaming agent to solve the problem of stoppages and breakdowns in the pipe-work of the plant manufacturing the composition. In this regard refer to the background discussion of the present application, particularly with respect to document WO 00/39273.

Now, considering in particular Dawson et al., it is still the Applicant's position that this reference does not teach a delayed gelling of at least four minutes. Instead, Dawson et al. teaches that the final gel product is filled under pressure into the final package. In this regard refer to column 9 of Dawson et al. at lines 8-12 where it is indicated that the final gel product is stored in a pressurized cylinder until it is filled under pressure into the final package. The Applicant does not perform its method in this manner.

In the past the Examiner has also made mention of another part of the teaching in Dawson et al., namely at column 9, lines 3-8, which mentions that a gel can be generated by shaking all components inside a barrier pack type container (i.e., a final package) or by mixing in any vessel which can maintain pressures. However, even under that circumstance, it is noted that the liquid mixture in Dawson et al. is taught as always kept under pressure in storage before being added to any vessel. Furthermore, any vessel that it is added to is taught in Dawson et al. as also being pressurized. In this regard refer in Dawson to the teachings at column 8, line 53 through column 9, line 2 reference is made to pressurizing at several points. More specifically, the Dawson et al. teaching is that the gel is pumped into a steel pipe system where the pressure is maintained at 80-120 psi (column 8, lines 53-57). It is then piped into a storage cylinder which is maintained at 80-90 psi (column 8, lines 65-69). It is hence apparent that the Dawson et al. composition must always be kept under pressure, even before packaging, and including before it is added to the barrier pack type container as described by the Examiner with his reference to column 9 at lines 3-7.

In order to make the distinction clear regarding the need for applied pressure in Dawson et al., claim 9 of the present application has now been amended and with the amendment therein,

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this claim should now patentably distinguish over Dawson et al. whether taken alone or in combination with Hall et al. Claim 9 has now been amended to indicate that the steps are performed without any applied elevated pressure. Support for this limitation is found on page 4 of the present application at lines 9-13 wherein it is indicated that an advantage of the present invention is that, do to the delayed gelling, elevated pressure is not required to pump the composition through the pipe-work. As indicated there, this not only reduces the manufacturing costs of the end product, but it also increases the filling rates; meaning more units of composition of the present invention can be produced in the same time period relative to previously available compositions. Refer also to page 4 of the present application in the paragraph at lines 4-8. Refer also to descriptions of the present method starting at the bottom of page 13 and continuing into page 14 wherein it is noted that there is absolutely no reference to any elevated pressure being required with regard to the examples presented.

Regarding claim 35, there has been an objection by the Examiner that should now be overcome by the amendment made therein. It is also noted that the Applicant has added claims 36-39. Claims 36 and 37 depend from claim 9. Claim 36 defines the steps as performed through plant pipe-work, the combining step with at least one post-foaming agent providing a delayed gelling and do to the delayed gelling, the elevated pressure is not required in order to pump the composition through the pipe-work. Claim 37 defines the steps as performed absent any applied elevated pressure of at least 80 psi or more. These further limitations should even further distinguish the method of the present invention over the cited prior art.

The Applicant has also added a second independent claim, namely claim 38 and one related dependent claim, namely claim 39. Claim 38 presents the method more in terms of enhancing the efficiency of the manufacturing process of a post-foaming cleansing composition. Reference is made to a plant having pipe-work and the limitation is also found in claim 38 wherein, do to the delayed gelling, elevated pressure is not required in order to pump the composition through the pipe-work. Certainly, in Dawson et al. elevated pressure is required on the order of at least 80 psi.

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In the Patent Office Letter of September 22, 2008, it is noted that the Examiner has set forth several rejections based primarily upon the Dawson et al. reference. In view of the amendments in the claims, it is believed that these rejections should now be overcome.

CONCLUSION

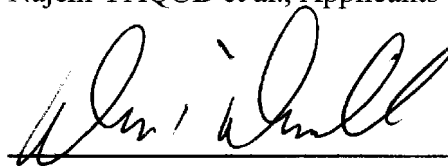
In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicant's attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any fees incurred as a result of the filing hereof to our Deposit Account No. 19-0120.

Respectfully submitted,
Najem YAQUB et al., Applicants

Date: _____

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David M. Driscoll
Reg. No. 25,075
SALTER & MICHAELSON
321 South Main Street
Providence RI 02903
Tele: 401/421-3141
Fax : 401/861-1953
Customer No. 000987